

United States District Court

for

District of Guam

Report for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: **Jarett Julian Elm** Case Number: **CR 05-00053-004**

Name of Sentencing Judicial Officer: Honorable Ronald B. Leighton, Designated Judge

Date of Original Sentence: August 31, 2006

Original Offense: Count I - Conspiracy to Distribute Methamphetamine Hydrochloride, in violation of 21U.S.C. §§ 841(a)(1) and 846

Original Sentence: One day imprisonment (time served) and four years supervised release with conditions to include that he shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon, cooperate in the collection of DNA, not unlawfully possess a controlled substance, refrain from any unlawful use of a controlled substances, submit up to eight drug tests a month for use of a controlled substance, refrain from the use of all alcoholic beverages, participate in a drug treatment program with drug testing, perform 200 hours of community service, and pay a \$100 special assessment fee.

Type of Supervision: **Supervised Release** Date Supervision Commenced: **August 31, 2006**

PETITIONING THE COURT

☐ To extend the term of supervision for _____ years, for a total term _____ years.

☒ To modify the conditions of supervision as follows:

1. To delete the balance of 74 hours of community service and impose a fine of \$432.90.

CAUSE

On August 31, 2006, Jarett J. Elm was sentenced to one day imprisonment (time served) and placed on four years supervised release. Among other special conditions, he was ordered to perform 200 hours of community service. On March 4, 2008, Mr. Elm reported to the U.S. Probation Office and inquired if his community service condition could be modified for him to pay a fine. He is employed full-time and in February 2008, he became a new father. On his days off, he is needed to provide for the care of his infant daughter and unable to perform community service. He stated that he now has the ability to pay a fine.

Mr. Elm completed drug treatment and drug testing on September 5, 2006, submitted to DNA collection on September 13, 2006, and paid his special assessment fee on September 22, 2006. He remains compliant with his other conditions of supervised release.

To date, Mr. Elm has performed 126 hours of community service and has a balance of 74 hours. Based upon the prevailing Federal minimum wage of \$5.85 effective January 1, 2008, this Probation Officer suggests that the court impose a fine in the amount of \$432.90 in lieu of performing the balance of his community service.

Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Elm's consent to the modification.

Reviewed by:

Respectfully submitted,



CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader



MARIA C. CRUZ
U.S. Probation Officer

Date: May 15, 2008

Date: May 15, 2008

THE COURT ORDERS

☐

No Action

☐

The Extension of Supervision as Noted Above.

☐

The Modification of Conditions as Noted Above.

☐

Other

United States District Court

District Guam

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

That the balance of my community service of 74 hours be deleted and converted to a fine in the amount of \$432.90.

Witness

Maria Cruz

Maria C. Cruz

U.S. Probation Officer

Signed

Jarett Julian Elm

Jarett Julian Elm

Probationer or Supervised Releasee

5/12/08

Date